

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 06/14/2022

-----X
FRANCISCO HUERTERO,

Plaintiff,

-v-

RCD RESTORATIONS, INC. and JOSEPH
CAGGIANO,

Defendants.
-----X

21-cv-8419 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

The Court today held a hearing on Plaintiff's motion for default judgment. Dkt. No. 24. Defendant Joseph Caggiano ("Caggiano") appeared on behalf of himself. The Court did not permit Caggiano to address it on behalf of defendant RCD Restorations, Inc. ("RCD Restorations"), which cannot proceed pro se in federal court but must be represented by counsel. Caggiano represented to the Court that he believes neither he nor RCD Restorations was ever served with the complaint in this case and that Plaintiff was never an employee of RCD Restorations as RCD Restorations was the general contractor at the job site alleged in the complaint.

In light of Caggiano's appearance and his representations, the Court will hold decision on the motion for a default judgment in abeyance and permit RCD Restorations two weeks to obtain counsel. Any motion on behalf of Caggiano and RCD Restorations to vacate the Clerk's Certificate of Default, *see* Dkt. No. 21, is due by **June 28, 2022**. If a motion is filed by that date, opposition papers are due by **July 12, 2022**, and any reply is due by **July 19, 2022**. If no motion is filed by June 28, 2022, the Court will schedule another hearing on Plaintiff's motion for default judgment.

As Caggiano is currently representing himself, he is advised that there is a legal clinic in this district that provides assistance, free of charge, to people who are parties in civil cases and do not have lawyers. The clinic is run by a private organization called the New York Legal Assistance Group ("NYLAG"); it is not part of, or run by, the Court. An unrepresented party can contact NYLAG via <https://nylag.org/gethelp/> or by calling (212) 659-6190.

The Clerk of Court is respectfully directed to update the docket to reflect that Joseph Caggiano is appearing pro se and that his mailing address and email address are as follows:

Joseph Caggiano c/o RCD Restorations, Inc.
703 Yonkers Avenue
Yonkers, NY 10704
rcdrestorations@aol.com

The Clerk of Court is also respectfully direct to mail and email a copy of this Order to the pro se defendant.

SO ORDERED.

Dated: June 14, 2022
New York, New York



LEWIS J. LIMAN
United States District Judge